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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,046	04/13/2001	Stephen B. Corn	SCW-003	5940
959	7590	05/05/2004	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			SAADAT, CAMERON	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,046

Applicant(s)

CORN ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/12/04 has been entered. Claims 1, 3-14, and 16-20 are pending in this application. Claims 2 and 15 are cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 14, the antecedent basis for "said web pages" has not been clearly set forth.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-14, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (USPN 6,678,824; hereinafter Cannon) in view of Lotvin et al. (U.S. Patent No. 5,907,831; hereinafter Lotvin).

Regarding claims 1, 7, 14, and 20, Cannon discloses a method comprising the steps of: sending a request from a user for a page having educational content; receiving said page; displaying the content to a user; tracking and recording the time the user views the educational content to ensure said user views said content for a time greater than or equal to a minimum time period and less than or equal to a maximum time period; said user receiving continuing education credit from a professional accrediting authority for viewing the educational content where said time is between said maximum and said minimum time periods; said viewing of educational content by the user not including an examination based on said content (Col. 4, lines 38-42; Col. 5, lines 34-38). Cannon discloses all of the claimed subject matter with the exception of explicitly disclosing that the request for educational content is sent over a network. However, it is notoriously well known to distribute educational content over a network. Furthermore, Lotvin discloses an educational system wherein a user may request educational content over a network (Col. 18, lines 56-59). Thus, in view of Lotvin, it would have been obvious to modify the educational method described in Cannon by providing the educational content over a network in order to overcome geographical limitations.

Regarding claim 3, Cannon discloses a method wherein educational content is presented to a user, but does not explicitly disclose that the educational content is presented in the form of a daily interrogatory and related answer. However, it is the examiner's position that providing educational content in the form of interrogatory and related answer is well known method in the art for conveying

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educational material to a learner. Hence, it would have been an obvious to one of ordinary skill in the art to modify the educational content described in Cannon, by presenting educational content in the form of daily interrogatory and related answer, in order to effectively convey educational materials to a learner.

Regarding claim 4, Cannon discloses a method comprising the additional steps of: recording the amount of credit granted to each user; and providing the amount of credit granted to each user to said user upon request (See Fig. 2).

Regarding claim 5, Cannon discloses a method wherein said method does not award educational credit to a user of said electronic device for reviewing said educational content as a result of the recorded amount of time exceeding a maximum time parameter (Col. 7, lines 20-24).

Regarding claim 6, Cannon discloses a method comprising the additional steps of: sending a message to the user indicating an inadequate amount of time has been spent reviewing said educational content, said message generated as a result of the recorded amount of time not exceeding a minimum time parameter; receiving subsequently from said user a new recorded amount of time; and awarding educational credit to the user based on said new recorded amount of time (Col. 4, lines 38-42; See Fig. 2, virus check)

Regarding claim 7, Cannon discloses a method comprising the steps of: providing a page having educational content over the network; receiving a request for said page from a user; sending said page to the user; tracking and recording the time the user views the educational content to ensure said user views said content for a time greater than or equal to a minimum time period and less than or equal to a maximum time period; and conferring educational credit from a professional accrediting authority on said user in response to said user viewing said educational content for a time greater than or equal to said minimum time period and a time less than or equal to said maximum period, said viewing of said

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educational content not including an examination of said user based on content (Col. 4, lines 38-42; Col. 5, lines 34-38).

Regarding claims 8-13, Cannon discloses all of the claimed subject matter with the exception of explicitly disclosing specific limitations of advertising units. However, Lotvin discloses an educational method, comprising the steps of (as per claim 8) providing a page having one or more educational units and one or more advertising units; associating one or more of said advertising units with one or more of said educational units such that said advertising unit is displayed in connection with said educational unit (column 8, lines 5-12); (as per claim 9) wherein a plurality of said advertising units constitutes an advertisement (column 8, line 10); (as per claim 10) wherein said advertising units are indexed to said educational units (column 8, lines 5-12); (as per claim 11) wherein said advertising units displayed are specific to the user (column 6, line 64 – column 7, line 5); (as per claim 12) wherein said advertisement is part of a sequence of advertising, said sequence of advertising being synchronized with the sequence of educational units (column 8, lines 10-12); and (as per claim 13) forwarding said educational unit and an associated advertisement to a user-designated recipient (column 8, lines 10-12). Hence, in view of Lotvin, it would have been obvious to one of ordinary skill in the art to modify the educational units described in Cannon, by providing advertising units within the educational units in order to promote educational products to a targeted audience comprising people that are interested in educational products.

Regarding claim 14, Cannon discloses a method comprising the steps of: providing a plurality of pages holding educational content, said educational content grouped by topics (see fig 2), said topics divided into a plurality of educational units providing substantially complete content, said educational units stored on said pages; receiving a request from a user of an electronic device interfaced with said network for one of said pages; forwarding said page in response to said request; receiving an indication from said user that said user has completed reviewing said educational content, said review lasting equal to or longer than a minimum time parameter and less than or equal to a maximum time parameter and not

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including an examination based on said content; and conferring education credit on said user from a professional accrediting authority (Col. 4, lines 38-42; Col. 5, lines 34-38).

Regarding claim 16, Cannon discloses a method comprising the additional steps of: grouping selected educational units so as to form a course; registering said user for said course; and sending said educational units forming said course to said electronic device for review by said user (See Figs. 2, 4).

Regarding claim 17, Cannon discloses all of the claimed subject matter with the exception of explicitly disclosing the steps of providing user response to the author of said educational units after said user reviews said educational units; and altering other educational units based on said user response. However, Lotvin discloses a method comprising the additional steps of: providing user response to the author of said educational units after said user reviews said educational units; and altering other educational units based on said user response (column 8, lines 25-27; column 5, lines 29-38). Hence, in view of Lotvin, it would have been obvious to an artisan to modify the educational method described in Cannon, by allowing a user to respond to an author and altering the educational units based on user responses, in order to deal with problems and concerns of users with the educational system.

Regarding claim 19, Cannon discloses all of the claimed subject matter with the exception of explicitly disclosing the step of providing a search feature for the educational unit for searching multiple educational units. However, Lotvin discloses a method comprising the additional step of: providing a search feature for said educational unit, said search feature searching multiple educational units on a plurality of web pages utilizing a single query (column 6, lines 30-33). Hence, in view of Lotvin, it would have been obvious to an artisan to modify the educational method described in Cannon, by providing a search feature for identifying and retrieving educational content from a database for presentation to a user.

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Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (USPN 6,678,824; hereinafter Cannon) in view of Lotvin et al. (U.S. Patent No. 5,907,831; hereinafter Lotvin), further in view of Sonnenfeld (USPN 6,112,049).

Regarding claim 18, Cannon discloses all of the claimed subject matter with the exception of explicitly disclosing that the educational content comprises a crossword puzzle. However, Lotvin discloses a method comprising the additional steps of: presenting educational content to a user in the format of a crossword puzzle (column 11, lines 41-44); and using said crossword puzzle completion as a basis for awarding continuing education units to said user (column 6, lines 11-13). Neither Cannon nor Lotvin explicitly disclose hyperlinks provided to the correct answers for the crossword puzzle. However, Sonnenfeld teaches a method wherein hyperlinks of correct answers of educational units are provided (column 9, lines 43-44). Thus, it would have been obvious to a person of ordinary skill in the art to modify the educational unit described in the combination of Cannon and Lotvin, by providing hyperlinks to correct answers, in light of the teachings of Sonnenfeld, thereby providing the user with feedback on his/her performance on the educational unit.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-14, and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Coffey et al. (USPN 5,675,510) – disclose a system for monitoring the amount of time a user spends on a website.
- Davis et al. (USPN 5,796,952) – disclose a method of monitoring the amount of time a client spends interacting with and displaying a file downloaded from a server.

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- Truluck et al. (USPN 6,353,447) – disclose a method of scheduling a study plan and monitoring the schedule status in order to comply with a completion date.
- Jawahar et al. (USPN 6,256,620) – disclose a method tracking the amount of time that a user spends viewing a web page.
- Jason (USPN 5,142,358) – discloses a device that recognizes accumulated time of a performance of a positive task, such as completion of a homework, wherein reward points are given for completing said task.
- Lee et al. (USPN 5,441,415) – discloses a method of displaying content for a predetermined amount of time.
- Ho et al. (USPN 5,743,746) – discloses a method of providing a reward to a student for completing an educational task.
- New, III (USPN 6,155,834) – discloses a method of tracking the speed of a user progressing through educational content, and awarding points based on speed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS


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